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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,287	05/24/2006	Yoji Ohtsuka	06301/LH	5964

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EXAMINER
KIDWELL, MICHELE M

ART UNIT	PAPER NUMBER
3761	

MAIL DATE	DELIVERY MODE
12/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/580,287	OHTSUKA ET AL.	
	Examiner	Art Unit	
	Michele Kidwell	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *07/24/08;09/08/06;05/24/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 – 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 2, the claim appears to missing some language (i.e. line 3 states “that number of linear patterns…”). The claim is not completely clear and has been interpreted as best understood by Examiner.

As to claim 4, the use of the pronoun “its" throughout the claim renders the claim indefinite because it is not clear what “its” is being used in reference to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arteman et al. (US 5,925,026) in view of Sciaraffa et al. (US 4,333,979).

With respect to claim 1, Arteman et al. (hereinafter "Arteman") discloses an absorbent body including a stripe-shaped absorbent body base (figure 1), including an absorbent element obtained by mixing at least pulp with super absorbent polymer (col.4, lines 23 – 24), wherein the linear pattern elements are formed on at least one surface of the absorbent body base by being squeezed by the processing projections so as to have a groove-like shape when seen from the top, and the plurality of linear pattern elements are individually spaced from one another and dispersed in a staggered manner as set forth in col. 7, lines 9 - 22.

The difference between Arteman and claim 1 is the explicit teaching that the absorbent element is sent and transferred through a pair of rollers that are provided to be opposed to each other with a predetermined distance, wherein at least one of the rollers is a press print processing roller that has a plurality of processing projections with a predetermined layout on a circumference surface.

Sciaraffa et al. (hereinafter "Sciaraffa") teaches the formation of a layer by transferring the layer through a pair of opposed rollers wherein at least one of the rollers is a press print roller with a plurality of processing projections as set forth in figure 1.

It would have been obvious to one of ordinary skill in the art to utilize the rollers of Sciaraffa to form the specific arrangement disclosed by Arteman because the process of Sciaraffa results in a cost effective layer with increased effective thickness while providing softness, bulk and the retention of desirable physical properties as taught by Sciaraffa in col. 2, lines 1 – 10.

With reference to claim 2, Arteman discloses linear pattern elements are arranged so that any number of the linear pattern elements on any straight line that extend in a width direction orthogonal to a transfer direction of the absorbent body base is equal, and so that the linear pattern elements have a fixed distance thereamong in the width direction as set forth in figure 1.

As to claim 3, Arteman discloses linear pattern elements formed in a linear shape so that an orientation angle, which is a degree of inclination of the linear pattern elements to the transfer direction of the absorbent body base, is 50 degrees or less at any portion as set forth in figure 1.

With respect to claim 4, Arteman discloses an absorbent element filled into a storage bag (i.e., topsheet and backsheet) and sealed between edge parts of a liquid permeable sheet (i.e., topsheet) as set forth in col. 9, lines 48 – 53. The examiner considers the absorbent element to be squeezed until its absorption performance almost disappears because Arteman discloses that the apertures may have a depth up to about 99% as set forth in col. 6, lines 4 - 7. The absorbent body base is provided with linear pattern elements and a predetermined thickness as claimed as set forth in the rejection of claim 1

As to claim 5, Arteman discloses an absorbent body wherein the absorbent body base used for disposable diaper has an inner surface that is adhered with a liquid diffusion sheet as set forth in col. 9, lines 33 – 35.

Arteman does not specifically recite that the plurality of linear pattern elements are formed concavely, together with the liquid diffusion sheet, in the inner surface of

the absorbent body base, however, one of ordinary skill in the art would be motivated to do so in order to further improve wicking and distribution fluids consistent with the teaching of Arteman in col. 10, lines 13 - 15.

The examiner also notes that Arteman teaches the liquid diffusion sheet to be in face-to-face contact with the surface of the pad and the surface of the bodyside liner (col. 9, lines 33 – 35). Arteman also teaches the bodyside liner to extend within the apertures to some extend (col. 9, lines 53 – 55). Therefore, one can reasonably presume that the liquid diffusion sheet would also extend (at least to some extent) into the apertures as well , thus providing linear pattern element of the absorbent core being formed together with the inner surface of the absorbent body base.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arteman et al. (US 5,925,026) in view of Sciaraffa et al. (US 4,333,979), and further in view of Delvaux (US 4,443,512).

The difference between Arteman in view of Sciaraffa and claim 6 is the provision that the plurality of linear pattern elements are formed concavely on both faces of the absorbent body base so as to be opposed to one another with the same layout.

Delvaux teaches a plurality of linear pattern elements are formed concavely on both faces of the absorbent body base so as to be opposed to one another with the same layout as set forth in figure 5.

It would have been obvious to one of ordinary skill Arteman in view of Sciaraffa with the configuration taught by Delvaux because such a configuration enhances spreading characteristics and reduces wetback as taught by Delvaux in the abstract.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michele Kidwell/
Primary Examiner, Art Unit 3761